

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WARREN GRAY, JR.	:	CIVIL NO. <b>3:05-CV-1078</b>
	:	
Plaintiff	:	(Chief Judge Vanaskie)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
WARDEN TROY WILLIAMSON, et al.,	:	
	:	
Defendants	:	

**ORDER**

The plaintiff, a prisoner proceeding *pro se*, commenced this action by filing a complaint on May 26, 2005. On October 11, 2005, the plaintiff filed an amended complaint.

On October 12, 2005, the defendants filed a motion for an enlargement of time to respond to the plaintiff's amended complaint. By an Order dated October 13, 2005, that motion was granted and the defendants were directed to file a responsive pleading to the amended complaint within sixty days from service of the amended complaint upon the newly added defendants.

On October 14, 2005, the plaintiff filed a document entitled "'Opposition' to Defendants Having Third Request for Enlargement of Time, and Request for Default Judgement." This document was construed and docketed as both a brief in opposition to the defendants' October 12, 2005 motion for an enlargement of time, which motion had already been granted by the court, and as a motion for a default judgment.

On December 23, 2005, the defendants filed another motion for an enlargement of time to respond to the amended complaint. By an Order dated December 27, 2005, that motion was granted, and it was ordered that the defendants may answer or otherwise respond to the amended complaint on or before February 6, 2006.

The plaintiff has not filed a brief in support of his motion for a default judgment. Pursuant to Local Rule 7.5, Rules of Court, M.D. Pa, the motion is deemed withdrawn. Moreover, the defendants are not in default - they have until February 6, 2006 to respond to the amended complaint.

**IT IS HEREBY ORDERED** that the plaintiff's motion (doc. 28) for a default judgment is deemed **WITHDRAWN**.

/s/ J. Andrew Smyser

J. Andrew Smyser  
Magistrate Judge

Dated: January 13, 2006.